

Cobb County Georgia Online Mapping

LUP-15
(2017)



Map Notes:



1: 2,400

This map is a user generated static output from an internet mapping site and is for reference only. Data is not guaranteed to be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

400.0 Feet

200.00

0

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Cobb County Georgia

APPLICANT: Philip Ivester

PETITION NO: LUP-15

PHONE#: 678-596-2363 **EMAIL:** pivester@gmail.com

HEARING DATE (PC): 08-01-17

REPRESENTATIVE: Philip L. Ivester

HEARING DATE (BOC): 08-15-17

PHONE#: 678-596-2363 **EMAIL:** pivester@gmail.com

PRESENT ZONING: R-20

TITLEHOLDER: Phillip L. Ivester

PROPOSED ZONING: Land Use Permit

PROPERTY LOCATION: Southeast side of Concord Road,
northeast of East-West Connector
(86 Concord Road)

PROPOSED USE: Construction Hardship
(use of R.V. during fire-damage repairs)

ACCESS TO PROPERTY: Concord Road

SIZE OF TRACT: 10.5 ac

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Fire Damaged Single
Family Home

LAND LOT(S): 191,242

PARCEL(S): 10

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** City of Smyrna/ Bentley Park Subdivision
- SOUTH:** R-20/ Heritage Mill Subdivision
- EAST:** R-20/ Norton Place Subdivision
- WEST:** R-20/ Heritage Park, and Single Family Home

Adjacent Future Land Use:

- Northeast: Low Density Residential (LDR)
- East: Low Density Residential (LDR)
- South: Low Density Residential (LDR) and Park / Recreation / Conservation (PRC)
- Southwest: Park / Recreation / Conservation (PRC), Low Density Residential (LDR) and Public Institutional (PI)
- Northwest: Low Density Residential (LDR) (on Concord Road with the City of Smyrna on the other side.)

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

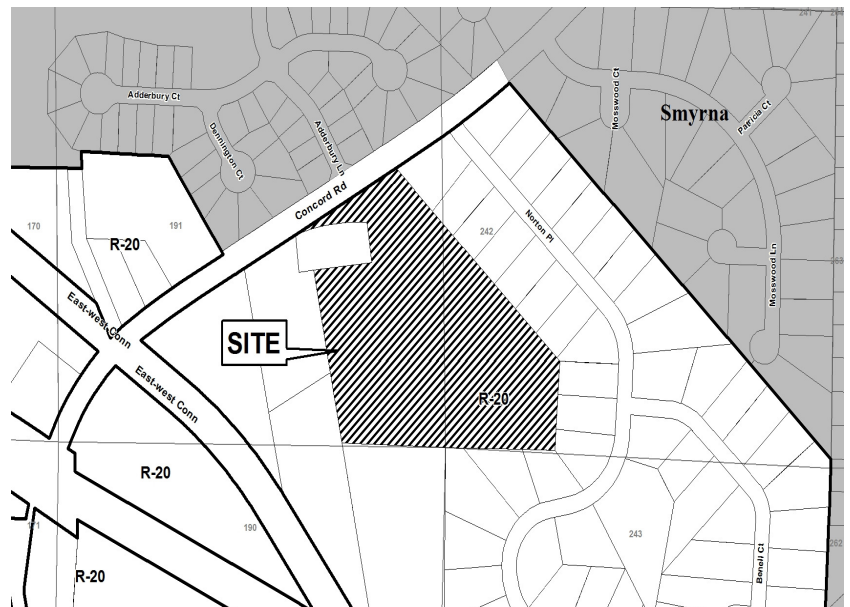
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

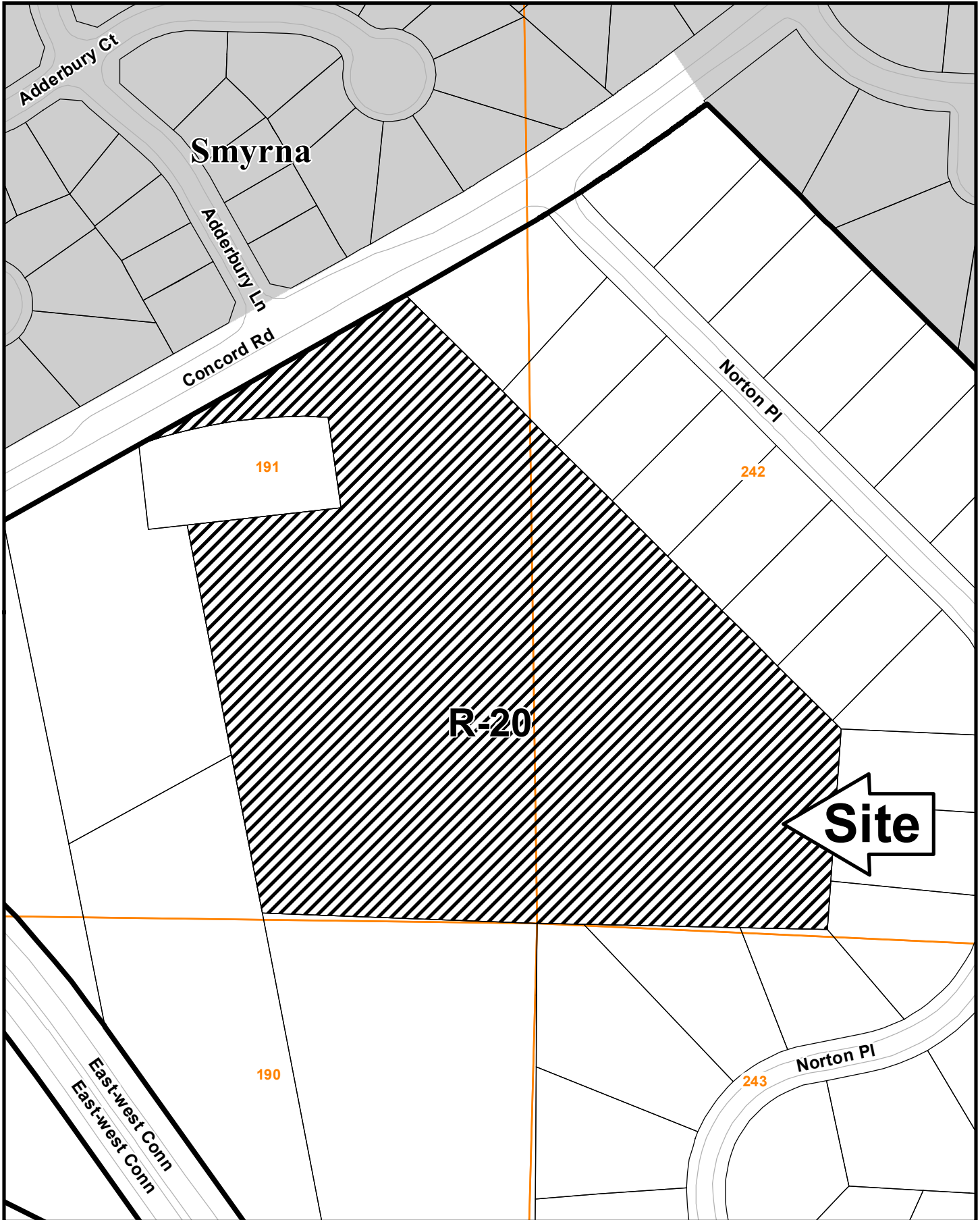
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

STIPULATIONS:



LUP-15 2017-GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 200 400 Feet

City Boundary
Zoning Boundary

APPLICANT: Philip Ivester

PETITION NO.: LUP-15

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Donald Wells

The applicant is requesting a Temporary Land Use Permit to allow a 36 foot portable housing unit (RV) to be placed in the back yard. Over Memorial Day Weekend the applicants suffered from fire damage to the home. The applicant has 10 acres, and several sheep, goats, chickens, peacocks, 5 cats, and a dog. The nearby hotel the applicant is staying is about 15 minutes away, this a caused the owners to have to commute multiple times about to care for the animals and to maintain the property. The applicant intends to place the RV within all property setbacks and to the RV will not be seen from contiguous properties. The applicant does not anticipate the repairs to take longer than 9 months. The applicant is requesting approval until the completion of the repairs of the home. The applicant has received a letter of consent from the one property owner that could be impacted.

Historic Preservation: No comment.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission’s Inventory Listing which is located in this, or adjacent land lot.

WATER & SEWER COMMENTS:

No comments. Residential water customer with septic.

TRAFFIC COMMENTS:

This request will not have an adverse impact on the transportation network.

APPLICANT: Philip Ivester

PETITION NO.: LUP-15

FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Philip Ivester

PETITION NO.: LUP-15

PRESENT ZONING: R-20

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

LUP-15 PHILIP IVESTER

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
The RV will should not have any effects on the surrounding neighborhood. The RV will run on a 220/50 amp RV plug, hook up to standard water hose, 2 mounted 20 gallon propane tanks, and a mounted holding tank for grey water and waste. The tank will be emptied on a regular bases by a professional company.
- (2) *Parking and traffic considerations.*
The RV will be parked on private property and will not be seen from any of the neighboring property owners.
- (3) *Number of nonrelated employees.*
This request is not related to a business use.
- (4) *Number of commercial and business deliveries.*
This request is not related to a business use.
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
This request is not related to a business use.
- (6) *Compatibility of the business use to the neighborhood.*
This request is not related to a business use.
- (7) *Hours of operation.*
24 hours a day 7 day's week.
- (8) *Existing business uses in the vicinity.*
This request is not related to a business use.
- (9) *Effect on property values of surrounding property.*
This request should not have any effects on surrounding properties.
- (10) *Circumstances surrounding neighborhood complaints.*
There have been no complaints from any neighbors in reference to this property.
- (11) *Intensity of the proposed business use.*
This request is not related to a business use.

LUP-15 PHILIP IVESTER (Continued)

(12)Location of the use within the neighborhood.

This property is not located within a platted subdivision and is adjacent to a County Park.

Based on the above analysis, Staff recommends **APPROVAL** for 12 months subject to the following conditions:

1. Land use permit expires upon issuances of letter of completion or 12 months, whichever happens first;
2. Fire Department comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

LUP-15 (2017)
Applicant's Letter with Attachments



From: Philip Ivester [pivester@hisolutions.net]
Sent: Wednesday, May 31, 2017 8:11 AM
To: Cupid, Lisa
Subject: Emergency Hardship Request with zoning

Lisa Cupid,
My name is Philip Ivester, and I live in the Concord Covered Bridge Historic District in one of the historic properties, the Ruff House. (Thank you for your recent help in approving funding for needed repairs to our

covered bridge). We have a small farm on about 10 acres, with several sheep, goats, chickens, peacocks, 5 cats and a dog.

Over Memorial Day weekend, our dryer caught fire and burned out our kitchen and the room above before the fire department extinguished the fire. The fire department folks were absolutely wonderful and saved our cats from the fire. My wife is fine, and I had only minor burns, nothing serious.

We are thankful for our lives and are now beginning the rebuilding process with the insurance company. Because of the farm animals, and the quantity of cats we have, temporary housing is a problem. We have daily responsibilities, morning and evening, with the farm animals on our property, plus the 5 cats and a dog. We really need to be on the property in temporary housing for the next two or three months of the rebuild.

Our insurance company has approved a 36 foot portable housing unit (RV) that would be perfect for temporary housing in our back yard. Power and water are available, and we would be able to maintain and keep an eye on the farm animals. I have attached photos, it is a brand-new 2017 model, up to code with all the modern conveniences. It would not be a nuisance to anyone. Because we are on 10 acres, you cannot even see any of our neighbors because of the trees.

The insurance folks called Cobb County to see if any permitting would be needed before installing the RV on the property. The zoning division told them that they would need a Temporary Land Use Permit Application, which must be submitted for public hearing before the Board, like a 60 day process. We cannot wait that long to be situated during the construction process. We are currently in a LaQuinta on Powers Ferry Road with several cats and dogs, 15 minutes away from the house, which is an untenable situation. The insurance company said that they cannot proceed without someone from the zoning division or the board telling them they could.

I talked to the Zoning Division yesterday, and they said they could not make an exception, that the Commissioners had to approve this request.

Could you please help us? Is there anyway that the temporary land use permit requirement could be waived in our special case? Or could it be approved quickly outside of normal channels? Or could you tell the zoning division (John Pederson?) to not require a land use permit for this particular case. Or could you just tell my insurance people to proceed without requiring a permit? Or is there any other way out of this "red tape"? Evidently you have this kind of authority, which could really help out our situation.

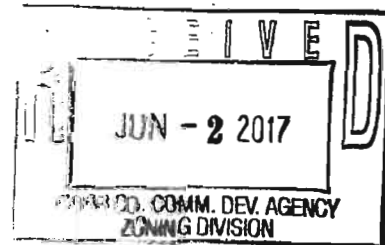
As I understand it, the public hearing process is there to insure that the public does not have an issue with the temporary RV during construction. But in our special case on 10 acres, we have no neighbors who would be affected by this RV, or who would be complaining about it. This is not a potential public nuisance at all. It seems an unnecessary step right?

I have attached a few photos of the property, the animals, and the RV that the insurance company approved.

Please consider our case and let me know what you think we could do. You are welcome to call or email me anytime ([678-596-2363](tel:678-596-2363)).

Thanks for your consideration,

Philip Ivester
86 Concord Road, Smyrna, GA
pivester@hisolutions.net
cell: [678-596-2363](tel:678-596-2363)



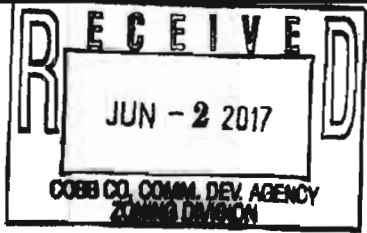


----- Forwarded message -----

From: Kerry Robertson <Kerry.Robertson@homelinkcorp.com>

Date: Tue, May 30, 2017 at 2:00 PM
Subject: Photos and Floorplan for 36' unit
To: "pivester@gmail.com" <pivester@gmail.com>

LUP-15 (2017) Applicant's Letter
with Attachments



Hello Philip,

Here is the information on the Travel Trailer through Homelink/1st Choice Living.

2017 Wildwood Travel Trailer. Runs on 220/50 amp RV Plug. Hook up to standard water hose. Mounted holding tank for grey water/waste. 2 Mounted 20 gallon propane tanks.

Zoned for Category 3 Hurricane Winds.

Blocked/Leveled/Tied Down

Renting for Temporary Housing Purposes only. 3 month increments.

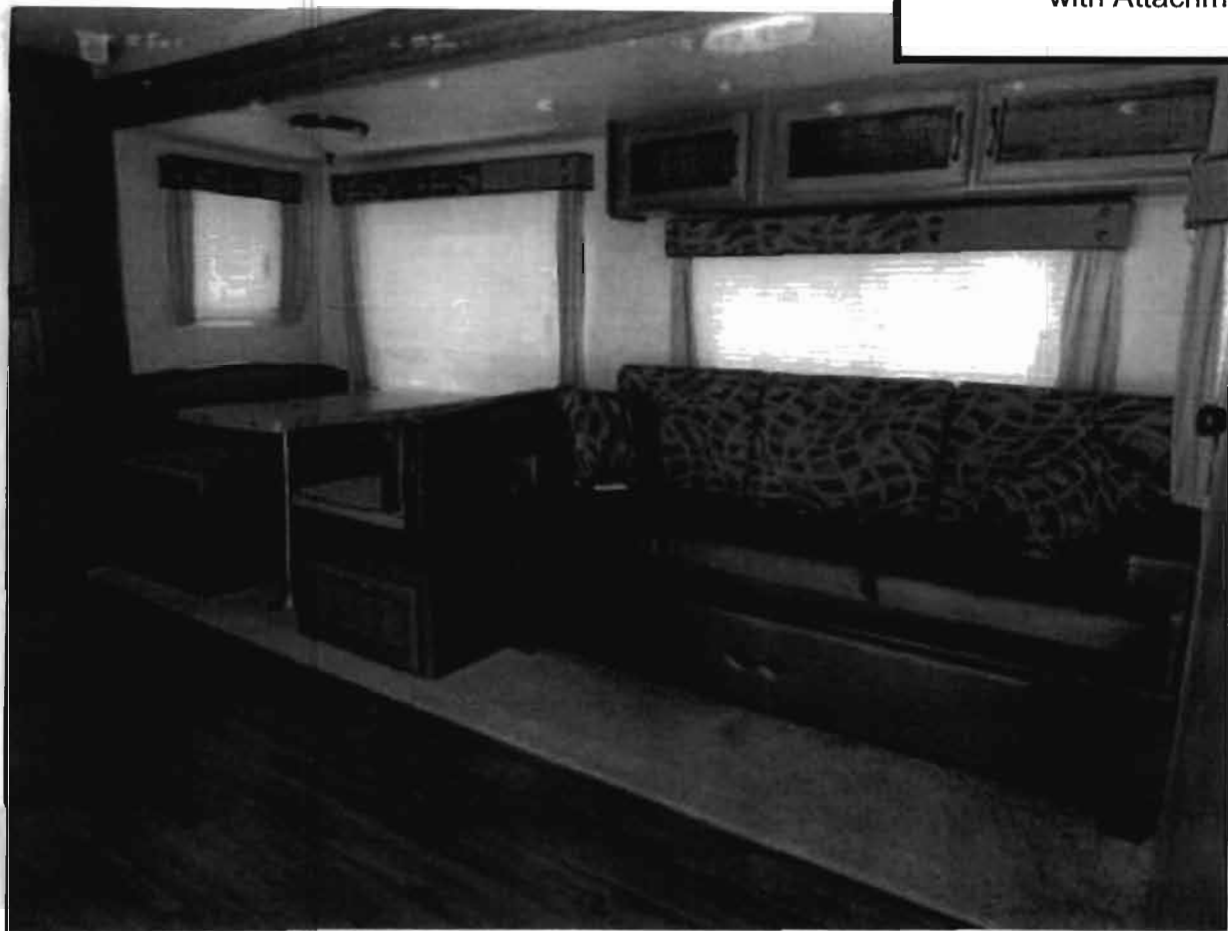
Kerry E. Robertson
Homelink Corporation
1141 E. Main Street, Ste 206
East Dundee, IL 60118
(866)731-9700 toll free
(847)519-4500 ph

(847)450-4648 after hours
(847)519-4501 fax
www.homelinkcorp.com



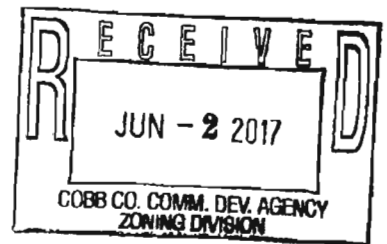


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ZONING DIVISION



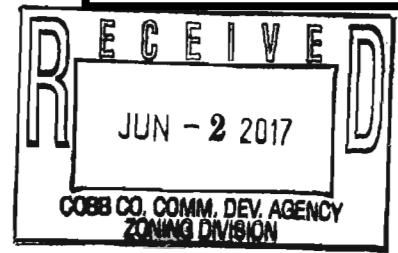
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Date: Tue, May 30, 2017 at 2:00 PM
Subject: Photos and Floorplan for 36' unit
To: "pivester@gmail.com" <pivester@gmail.com>

LUP-15 (2017)
Travel Trailer Information
and Photographs



Hello Philip,

Here is the information on the Travel Trailer through Homelink/1st Choice Living.

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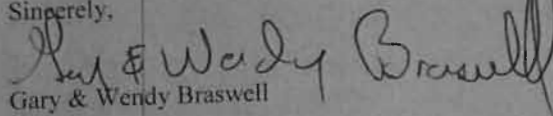
To whom it may concern:

My neighbors Philip and Lanier Ivester experienced a devastating house fire over Memorial Day weekend, and will be out of their home for a few months while repairs are being made. Seeing as they have farm animals, they are seeking a land use permit to temporarily park an RV on the property so that their farm can receive proper care during the restoration process.

The Ivesters live on a 10 acre plot with no visibility from nearby homes, and a temporary installation of this kind will pose no possible nuisance to the surrounding area.

Speaking as their neighbors, we have no objection to the Ivesters pursuing this plan.

Sincerely,


Gary & Wendy Braswell

